



# STATE OF CONNECTICUT

## DEPARTMENT OF MOTOR VEHICLES

60 State Street, Wethersfield, Connecticut 06161  
ct.gov/dmv



*Testimony of the Department of Motor Vehicles  
Government, Administration and Elections Committee Public Hearing  
March 1, 2010*

### **Raised S.B. 284**

### **AN ACT CREATING A DIVISION OF ADMINISTRATIVE HEARINGS**

The Department of Motor Vehicles (DMV) opposes the section of S.B. 284 that would move the agency's administrative hearings to a new Division of Administrative Hearings within the Commission on Human Rights and Opportunities. This proposal prompts many unanswered questions that jeopardize DMV's efficient handling of such unique and important hearings.

DMV's Administrative Hearings Division adjudicates approximately 7,500 Administrative Per Se and other agency-related cases annually. These cases range from Operating Under the Influence (OUI) to medical review of an operator to action against a DMV-licensed businesses to motor vehicle insurance lapses.

Perhaps the most unique cases take place within DMV's Administrative Per Se Unit, located within the Administrative Hearings Division. Administrative Per Se statutes in Connecticut were enacted with the goal of providing prompt disposition of drunk driving cases, along with due process in the form of expedited hearings with limited issues.

Hearings held under the Administrative Per Se statutes (C.G.S 14-227b) are subject to procedures that are unique to those hearings. There are processes and time limitations to which the agency must strictly adhere. These hearings do not follow the course of an administrative hearing conducted strictly under the UAPA and typical agency rules of practice.

The Administrative Per Se Unit handles these cases in an efficient and timely manner, and has been doing so since 1990. Under state law, the date of arrest to the date of suspension must not exceed 30 days (45 days if a continuance is requested) and this timeframe includes the mailing of the suspension notice, the statutorily mandated seven days from the date of mailing to request a hearing, scheduling and holding the hearing, rendering of the decision and mailing of the decision. The rate of license restoration following these hearings is less than 20 percent.

The Administrative Per Se Unit receives, analyzes and processes all administrative license suspension cases of operators arrested for OUI in the State of Connecticut. On average, the Unit is responsible for processing 10,000 OUI arrest reports annually and conducting 5,500 OUI hearings per year at various locations throughout the state and succeeds in suspending operators' licenses within those time limitations imposed by statute. Another 1,200 cases per year are reviewed by the staff and determined to be "unprocessable" as they fail to meet the statutory guidelines for a suspension of operator's license. (For example, tests under statutory limit, necessary documents missing).

An additional function of the Administrative Hearings Division is to schedule and hold hearings as a result of administrative action taken by the DMV against a license holder or a business licensed by the DMV. Each year, the Division handles about 2,000 of these cases, which include action taken against dealer or repair facilities for lapses in insurance and surety bond filings and consumer complaints; withdrawal of endorsements for the operation of certain vehicles; and suspension of license following State Police and DMV investigations.

DMV's Administrative Hearings Division also provides a hearing officer and a hearing room for 550 hearings held every year for motorists that are contesting the suspension of their registration privilege for an insurance lapse.

If these hearings were moved out of DMV, it would raise many concerns. The following is a summary of the concerns.

**The appeal process.** If hearing officers are no longer designees of and acting on behalf of the Commissioner of Motor Vehicles, it follows that the DMV should be able to take an appeal from a decision of a hearing officer who works under the auspices of another state agency. That hearing officer may interpret the law in a manner that is not consistent with the Commissioner's interpretation as the head of the licensing agency. This will result in an increase in the number of appeals.

**Determining cost savings.** How will the budget savings be realized, particularly when hearing officers are being transferred and new administrative and support positions must be created to administer the program?

**Planning for transition.** It is not clear how functions will be transferred that are required to be undertaken by the new Division. How will docketing and file transfer occur? How will the DMV be notified of the disposition of cases?

**The uniqueness of Administrative Per Se law.** If the goal of this proposal is to create a uniform system for conducting administrative hearings, it is unclear how will it deal with the existing law and the volume of cases associated with Administrative Per Se hearings. If this new Division does not adhere to time limitations and expands the scope of the hearing beyond what is mandated in Section 14-227b, under the guise of "fairness," how will this affect our highway funding? What legislative changes will be necessary to implement this program in another agency, and will these changes dilute the substance and intent of the per se law? Will this result in an increase in the number of license restorations, effectively returning more drunk drivers to the roads?

Due to the facts and issues relating to this proposal, DMV opposes the section of S.B. 284 that would move the agency's administrative hearings to a new Division of Administrative Hearings within the Commission on Human Rights and Opportunities.

